

1 **DISTRACTED DRIVER REVISIONS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen H. Urquhart**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Traffic Code by amending provisions relating to using a handheld
10 wireless communication device while operating a moving motor vehicle.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides and amends definitions;
- 14 ▶ amends the prohibition on using a handheld wireless communication device; and
- 15 ▶ amends the exceptions to the prohibition on using a handheld wireless

16 communication device.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **41-6a-1716**, as last amended by Laws of Utah 2014, Chapter 416

25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **41-6a-1716** is amended to read:

27 **41-6a-1716. Prohibition on using a handheld wireless communication device**



28 **while operating a moving motor vehicle -- Exceptions -- Penalties.**

29 (1) As used in this section:

30 (a) "Handheld wireless communication device" means a handheld device used for the
31 transfer of information without the use of electrical conductors or wires.

32 (b) "Handheld wireless communication device" includes a:

33 (i) wireless telephone;

34 (ii) text messaging device;

35 (iii) laptop; or

36 (iv) any substantially similar communication device that is readily removable from the
37 vehicle and is used to write, send, or read text or data through manual input.

38 (c) "Information" means any writing, game, recording, picture, video, or other material
39 capable of being viewed on a handheld wireless communication device.

40 (2) Except as provided in [~~Subsection~~] Subsections (3) and (4), a person may not [~~use a~~
41 ~~handheld wireless communication device while operating a moving motor vehicle on a~~
42 ~~highway in this state to manually:~~] manually operate or view information from a handheld
43 wireless communication device while operating a moving motor vehicle on a highway in this
44 state.

45 [~~(a) write, send, or read a written communication, including:]~~

46 [~~(i) a text message;~~]

47 [~~(ii) an instant message; or]~~

48 [~~(iii) electronic mail;~~]

49 [~~(b) dial a phone number;~~]

50 [~~(c) access the Internet;~~]

51 [~~(d) view or record video; or]~~

52 [~~(e) enter data into a handheld wireless communication device.]~~

53 (3) Subsection (2) does not prohibit a person from using a handheld wireless
54 communication device specifically designed and configured for, and being controlled by, voice
55 operation while operating a moving motor vehicle:

56 (a) [~~when using a handheld communication device]~~ for voice communication; or

57 (b) to view a global positioning or navigation device or a global positioning or
58 navigation application[;].

59 (4) Subsection (2) does not prohibit a person from using a handheld wireless
60 communication device while operating a moving motor vehicle:
61 ~~[(e)]~~ (a) during a medical emergency;
62 ~~[(d)]~~ (b) when reporting a safety hazard or requesting assistance relating to a safety
63 hazard;
64 ~~[(e)]~~ (c) when reporting criminal activity or requesting assistance relating to a criminal
65 activity; or
66 ~~[(f)]~~ (d) when used by a law enforcement officer or emergency service personnel acting
67 within the course and scope of the law enforcement officer's or emergency service personnel's
68 employment~~[-or]~~.
69 ~~[(g) to operate:]~~
70 ~~[(i) hands-free or voice operated technology; or]~~
71 ~~[(ii) a system that is physically or electronically integrated into the motor vehicle.]~~
72 ~~[(4)]~~ (5) A person convicted of a violation of this section is guilty of a:
73 (a) class C misdemeanor ~~Ŧ~~ ~~→~~ [H] with a maximum fine of [H] ~~←~~ ~~Ŧ~~ [\$100] ~~Ŧ~~ ~~→~~ \$500 ~~←~~ ~~Ŧ~~ ; or
74 (b) class B misdemeanor if the person:
75 (i) has also inflicted serious bodily injury upon another as a proximate result of using a
76 handheld wireless communication device in violation of this section while operating a moving
77 motor vehicle on a highway in this state; or
78 (ii) has a prior conviction under this section, that is within three years of:
79 (A) the current conviction under this section; or
80 (B) the commission of the offense upon which the current conviction is based.

Legislative Review Note
as of 2-5-15 1:44 PM

Office of Legislative Research and General Counsel